

Remarks/Arguments

This response is provided in reply to the Office Action mailed July 27, 2009.

In the Office Action mailed July 27, 2009, Claims 3 and 5-9 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 5-9 were rejected under 35 U.S.C. 101 as being an improper process claim. Claims 1, 2, 17 and 18 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,969,408 to Archer et al. Claims 3, 4, 10-16 and 19 were rejected under 35 U.S.C. 103(a) as unpatentable over Archer et al as applied to Claim 1.

With regard to the rejections of Claims 3 and 5-9 as indefinite and Claims 5-9 as improper method claims, these claims have been amended to cure the alleged deficiencies set forth. Specifically, Claims 3 and 5-9 have been amended to clearly recite method steps. Therefore, the rejection of Claims 3 and 5-9 under 35 U.S.C. 112, second paragraph, and the rejection of Claims 5-9 under 35 U.S.C. 101 as being an improper method claim are respectfully requested to be withdrawn.

The rejection of Claims 1, 2, 17 and 18 under 35 U.S.C. 102(b) as anticipated by Archer et al is respectfully traversed. To support a rejection under 35 U.S.C. 102, the prior art must show each and every feature claimed. Archer et al fails to disclose an important feature of applicant's invention and therefore does not qualify as prior art under 35 U.S.C. 102(b).

Applicant's invention uses mathematical modeling of equation sets based on the usual existing operating parameters of the boiler to get the compositions of fuel whereas

Archer et al discloses using a commercially available bulk material analyzer to directly detect the compositions of fuel. Thus the claim language “finding the solution to the equation set and obtaining real-time monitoring data of the fossil fuel converter apparatus” as set forth in Claims 1 and 17 is not met by the disclosure of Archer et al. The rejection of Claims 1, 2, 17 and 18 is respectfully requested to be withdrawn.

The rejection of Claims 3, 4, 10-16 and 19 under 35 U.S.C. 103 as unpatentable over Archer et al is traversed for the reasons set forth above with respect to the rejection of Claims 1, 2, 17 and 18 under 35 U.S.C. 102(b). That is, since all the features of the base claims from which Claims 3, 4, 10-16 and 19 depend are not taught by Archer et al, a rejection based on obviousness can also not be sustained.

The application is believed to be placed in condition for Allowance. Accordingly, reconsideration and Notice of Allowance is earnestly solicited. In the event any outstanding issue is found to exist, the Examiner is urged to contact the undersigned for a rapid resolution.

Respectfully submitted:

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